

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**EZEKIAL GAMBLE, JR.,**

Plaintiff,

v.

**OFFICER CHARLIE SMITH,**

Defendant.

Civil Action No. 5:12-CV-430 (HL)

**ORDER**

This case is before the Court on a Recommendation from United States Magistrate Judge Charles H. Weigle (Doc. 43). The Court exhausted all reasonable efforts to locate and to serve Officer Smith with the summons and complaint. Having been unable to effectuate service, the Magistrate Judge now recommends dismissing Officer Smith without prejudice for failure to timely serve. Plaintiff filed no objection to the Recommendation.

The Court reviewed the Recommendation and finds no clear error in the Magistrate Judge's decision. Accordingly, the Court accepts and adopts the Recommendation and dismisses Officer Smith without prejudice.

**SO ORDERED**, this 28th day of April, 2014.

**s/ Hugh Lawson**  
**HUGH LAWSON, SENIOR JUDGE**

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